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Attorneys for Plaintiffs

GOLD GLOVE PRODUCTIONS, LLC
and RYAN A. BROOKS

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

GOLD GLOVE PRODUCTIONS,
LLC, a California Limited Liability
Company and RYAN A. BROOKS, an
individual,

Plaintiffs,

vs.

DON HANDFIELD, an individual,
TRESSA DIFIGLIA HANDFIELD,
an individual, RANDY BROWN, an
individual, MICHELE WEISLER, an
individual, CHARLES FERRARO, an
individual, JAY COHEN, an
individual, ROBERT LORENZ, an
individual, UNITED TALENT
AGENCY, INC., a California
Corporation, THE GERSH AGENCY,
INC., a California Corporation,
WARNER BROS. PICTURES INC., a
Delaware Corporation, MALPASO
PRODUCTIONS, LTD., a California
Corporation, WARNER BROS.
DISTRIBUTING INC., a Delaware
Corporation, WARNER BROS.
HOME ENTERTAINMENT INC., a
Delaware Corporation, WARNER

Case No.: CV13-07247-DSF (RZx)

**DECLARATION OF GERARD FOX
IN SUPPORT OF PLAINTIFFS'
RULE 56(D) MOTION FOR
CONTINUANCE IN FURTHER
OPPOSITION TO ALL
DEFENDANTS' MOTIONS FOR
SUMMARY JUDGMENT,
PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO STRIKE
DEFENDANTS' SUPPORTING
DECLARATIONS.**

1 BROS. DOMESTIC TELEVISION)
 2 DISTRIBUTION, INC., a Delaware)
 3 Corporation, TW UK HOLDINGS,)
 4 INC., a Delaware Corporation, and)
 5 DOES 1 through 10, inclusive,)
 6 Defendants.)

7
 8 **DECLARATION OF GERARD FOX**

9 I, GERARD FOX, declare and state:

10 1. I am an attorney at law, licensed to practice before all courts in the State
 11 of California. I am partner at the Law Offices of Gerard Fox, Inc. and counsel of
 12 record for Plaintiffs Gold Glove Productions and Ryan A. Brooks in this case. I
 13 make this declaration in support of Plaintiffs' Reply to Defendants' Opposition to
 14 Plaintiffs' 56(d) motion for a continuance and Plaintiff's Reply to Defendants'
 15 Opposition to Plaintiffs' Motion for Partial Summary Judgment. I have personal
 16 knowledge of each and every fact stated in this declaration.

17 2. I would like to take the depositions of all declarants that have provided
 18 sworn declarations for the Defendants. Additionally, based on the findings of the
 19 forensic experts Trevor Reschke, *See* DN 130 (specifically that the floppy disks
 20 produced by the Defendants contain inconsistent system information, manipulated
 21 date time stamps, signs of file wiping, and indications of abnormal activity), and
 22 Larry Stewart, *See* DN 172 (specifically that elevated levels of phenoxyethanol were
 23 found during his forensic analysis, indicating that the physical evidence produced by
 24 the Defendants was manufactured, and subsequently his reporting having the time
 25 needed to conduct further forensic analysis cut short by the Defendants), I would like
 26 to have further forensic examination completed on the physical evidence that the
 27 Defendants have produced. Additionally, Plaintiffs are preparing to serve subpoenas
 28 on the manufacturers of the floppy disks and the notebooks produced by the

1 Defendants and will require time to complete this discovery.

2 3. Attached as Exhibit A to this declaration please find a true and correct
3 copy of an e-mail, dated October 14, 2013 sent by me to all Counsel regarding
4 Plaintiffs' expectation for a Rule 26(f) conference.

5 4. Attached as Exhibit B to this declaration please find a true and correct
6 copy of a letter, dated January 21, 2014 from Matt Kline regarding Defendants'
7 position on a Rule 26(f) conference.

8 5. Attached as Exhibit C to this declaration please find a true and correct
9 copy of an e-mail, dated November 8, 2013, from Matt Kline indicating that the
10 Warner Defendants would be seeking summary judgment.

11 6. Attached as Exhibit D to this declaration please find a true and correct
12 copy of an e-mail, dated November 13, 2013, sent by me requesting access to
13 physical evidence from the Defendants.

14 7. Attached as Exhibit E to this declaration please find a true and correct
15 copy of a letter, dated November 18, 2013, sent by my associate Jeffrey Liu
16 regarding the need for examination of physical evidence produced by the Defendants.

17 8. Attached as Exhibit F to this declaration please find a true and correct
18 copy of an e-mail, dated November 19, 2013, sent by my associate Jeffrey Liu
19 following up with the need for examination of physical evidence produced by the
20 Defendants.

21 9. Attached as Exhibit G to this declaration please find a true and correct
22 copy of an e-mail, dated November 25, 2013, sent by my associate Jeffrey Liu
23 scheduling the time for forensic examination of physical evidence produced by the
24 Defendants.

25 10. Attached as Exhibit H to this declaration please find a true and correct
26 copy of a letter, dated December 17, 2013, sent by Matt Kline regarding the
27 rescheduling of Randy Brown's deposition and a new set of physical evidence.

28 11. Attached as Exhibit I to this declaration please find a true and correct

1 copy of an e-mail, dated December 18, 2013, sent by my associate Jeffrey Liu
2 scheduling the time for forensic examination of a second set of physical evidence
3 produced by the Defendants.

4 12. Attached as Exhibit J to this declaration please find a true and correct
5 copy of an e-mail, dated January 7, 2014, sent by my associate Jeffrey Liu regarding
6 the cut-off of an examination period for the analysis of physical evidence produced
7 by the Defendants.

8 13. Attached as Exhibit K to this declaration please find a true and correct
9 copy of a letter, dated January 17, 2014, sent by my associate Erika Morris regarding
10 the unilateral noticing of depositions of Plaintiffs' expert witnesses.

11 14. Attached as Exhibit L to this declaration please find a true and correct
12 copy of an e-mail, dated November 13, 2013, sent by me requesting the depositions
13 of Defendants Randy Brown, Michelle Weisler and Robert Lorenz.

14 15. Attached as Exhibit M to this declaration please find a true and correct
15 copy of an e-mail, dated November 20, 2013, sent by me again requesting the
16 deposition of Defendant Michelle Weisler.

17 16. Attached as Exhibit N to this declaration please find a true and correct
18 copy of an e-mail, dated January 5, 2014, sent by me again requesting the deposition
19 of Defendant Michelle Weisler.

20 17. Attached as Exhibit O to this declaration please find a true and correct
21 copy of a letter, dated January 21, 2014, sent by Matt Kline denying the need for
22 Defendant Michelle Weisler's deposition.

23 18. Attached as Exhibit P to this declaration please find a true and correct
24 copy of an e-mail, dated January 27, 2014, sent by Matt Kline again denying the need
25 for Defendant Michelle Weisler's deposition.

26 19. Attached as Exhibit Q to this declaration please find a true and correct
27 copy of an e-mail, dated February 6, 2014, sent by Matt Kline providing deposition
28 dates for Defendant Michelle Weisler and Erich Speckin less than a week prior to the

1 hearing date on February 24, 2014.

2 20. Attached as Exhibit R to this declaration please find a true and correct
3 copy of excerpts from the transcript of the deposition of Sheril Antonio, which took
4 place on February 7, 2014.

5 21. Attached as Exhibit S to this declaration please find a true and correct
6 copy of excerpts from the transcript of the deposition of Larry Stewart, which took
7 place on February 3, 2014.

8 22. Attached as Exhibit T to this declaration please find a true and correct
9 copy of an e-mail, dated October 11, 2013, from me to defendants' counsel indicating
10 that I was notified that defendants' counsel had sent a correspondence to the New
11 York Times regarding this litigation.

12 23. Attached as Exhibit U to this declaration please find a true and correct
13 copy of an e-mail, dated November 12, 2013, from me to defendants' counsel
14 indicating that Plaintiffs objected to Defendants' submitted declarations.

15 24. Attached as Exhibit V to this declaration please find a true and correct
16 copy of the undated Cosmic Entertainment *Trouble with the Curve* script.

17 25. Attached as Exhibit W to this declaration please find a true and correct
18 copy of the public LinkedIn profile for Carrie Gadsby.

19 I declare under penalty of perjury under the laws of the State of California and
20 the United States that the foregoing is true and correct. Executed this 17th day of
21 February in Los Angeles, California.

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23 DATED: February 17, 2014

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26 GERARD FOX
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